

REMARKS

In response to the Office Action mailed April 7, 2005, the present application has been carefully reviewed and amended. Entry of the foregoing amendment and reconsideration of the application are respectfully requested.

Applicant thanks the Examiner for the attention to the application, and the allowance (or designation of allowable subject matter) of Claims 9 - 11, 15 - 20, 23 - 28, and 31 - 37.

The only remaining rejected claims are Claims 1 - 3, 7 - 8, 12 - 14, and 29 - 30 under 35 U.S.C. §103.

Rejections under 35 USC §103

Claims 1 - 3, 7 - 8, 12 - 14, and 29 - 30 stand rejected under 35 USC §103 as being unpatentable over Stanley (US 6,260,879) in view of Simon (US 5,661,405). [Paper 2, Pg. 2]

Stanley is relied upon to disclose a sensor (Figure 4) comprising a non-conductive web/dielectric intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor (column 7, lines 20-22). [Paper 2, Pg. 2]

That is, column 7, lines 20-22 of Stanley are relied upon to disclose the recited non-conductive web intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor. However, Applicant respectfully submits, column 7, lines 20-22 of Stanley do not disclose the recited web. Specifically, this portion of Stanley recites

The capacitive sensor 60, for example as taught in U.S. Pat. No. 5,722,686 by Blackburn et al., comprises a pair of spaced electrically conductive electrodes 64 having a dielectric therebetween and a means for measuring the capacitance between the electrodes 64. Referring to FIG. 1, the capaci- (US 6,260,879, Col. 7)

Thus, the cited portion of Stanley relies upon US 5,722,686 to Blackburn. Blackburn discloses:

⁶⁵ capacitor. The effective dielectric between the two plates ⁶⁶ ⁶⁸ (assuming the occupant 36 is fully seated against the back of the seat 38) is the air between the two plates. As the (US 5,722,686, Col. 4)

That is, the only dielectric disposed between the plates (conductors of Blackburn) is air. Applicant respectfully submits air is not a non-conductive web intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor.

Simon is relied upon to disclose polymeric conductor electrodes. However, Simon does not cure the deficiencies of Stanley. Simon does not disclose or suggest "a non conductive web intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor."

Simon appears to teach away from the present claims. The polymeric conductors of Simon are disposed within flexible expandable apertured sleeves 30. Specifically:

The preferred material for the sleeves 30 is FLEX-GUARD™ expandable monofilament sleeving, which is a monofilamentary, polyester material, and which is available ¹⁵ commercially from Alta Technologies, Inc. of Belie Mead, (US 5,661,405, Col. 3)

As none of the references, or referenced references, disclose or suggest a non conductive web intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor, Applicant respectfully submits the rejection of Claim 1 under 35 USC §103 cannot be sustained.

As Claims 2 - 3, 7 - 8, and 12 - 14 depend from Claim 1, and include all the limitations thereof, these claims are also in condition for allowance.

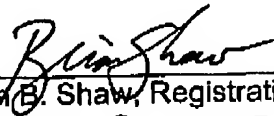
Claims 29 - 30

Independent Claim 29 recites in part "a cross-sectional periphery of the polymeric conductor substantially defined by the non-conductive polymeric body." Applicant respectfully submits the air separation of Stanley/Blackburn and the apertured expandable sleeve of Simon do not disclose or suggest this limitation. Therefore, Applicant respectfully submits this rejection under 35 USC §103 cannot be sustained.

Therefore, all the pending claims, Claims 1 - 3, 7 - 20, and 23 - 37 are in condition for allowance.

If, however, the Examiner feels that any further issues remain, he is cordially invited to contact the undersigned so that such matters can be promptly resolved.

Respectfully submitted,



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